

S.R. 567 - By Montford: Recognizing Lloyd Thompson of Lubbock for his invaluable services to the Southwestern Public Service Company and to the citizens of his community.

S.R. 568 - By Ellis: Recognizing Jacqueline S. Martin on her recent appointment to the Long-Term Care Coordinating Committee.

S.R. 569 - By Turner: Extending congratulations to the Saint Joseph Hospital and Health Center Auxiliary in Bryan on the occasion of its 25th anniversary.

S.R. 572 - By Henderson: Extending congratulations to Jim Hook of Houston on achieving the rank of Eagle Scout.

S.R. 573 - By Carriker: Recognizing Jennifer Balgley, Charles Blissett, Marianne Brain, Jim Underwood, and Sara Woods for their contributions in the field of health care to rural Texans.

S.R. 574 - By Barrientos: Commending the College of Education of The University of Texas at Austin on the occasion of the celebration of its centennial year.

S.R. 575 - By Ratliff: Extending congratulations to the Longview High School Future Farmers of America Chapter for being chosen as the 1991 Texas Urban Forestry Award winners in the youth category.

S.R. 577 - By Truan: Extending congratulations to Mr. and Mrs. Eli Guerra, Sr., for being chosen the PADRES Family of the Year for 1991.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 10:12 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(April 22, 1991)

S.C.R. 39
S.C.R. 62
S.C.R. 95
S.C.R. 96
S.C.R. 97
S.C.R. 101
S.B. 247
S.B. 275
S.B. 529
S.B. 653
S.B. 1117

FIFTIETH DAY

(Tuesday, April 23, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley,

Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Dr. Jim H. Lewis, Koenig Lane Christian Church, Austin, offered the invocation as follows:

Gracious Lord, we do praise Your holy name for allowing us another great day here in the great State of Texas. We invoke Your blessing upon these our leaders and the decisions they make on our behalf. We thank You for their talent and their wisdom, and now we ask that You would grant them their health and strength. We also would pray for our service people wherever they may be and ask that You would bless them and keep them safe. Hear these our prayers we pray in Your name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 321

On motion of Senator Haley and by unanimous consent, Senator Harris of Tarrant will be shown as Co-author of S.B. 321.

CO-AUTHOR OF SENATE BILL 512

On motion of Senator Zaffirini and by unanimous consent, Senator Turner will be shown as Co-author of S.B. 512.

CO-AUTHOR OF SENATE BILL 546

On motion of Senator Barrientos and by unanimous consent, Senator Rosson will be shown as Co-author of S.B. 546.

CO-AUTHOR OF SENATE BILL 853

On motion of Senator Moncrief and by unanimous consent, Senator Lyon will be shown as Co-author of S.B. 853.

CO-AUTHOR OF SENATE BILL 909

On motion of Senator Brooks and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 909.

CO-AUTHORS OF SENATE BILL 1195

On motion of Senator Montford and by unanimous consent, Senators Brooks and Lucio will be shown as Co-authors of S.B. 1195.

MESSAGE FROM THE HOUSE

House Chamber
April 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 380, Relating to the selection of a grand jury and to procedures before the grand jury.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Montford submitted the following report for the Committee on Finance:

C.S.S.B. 1319

Senator Green submitted the following report for the Committee on Jurisprudence:

S.B. 1491
S.B. 1457
S.B. 1428
S.B. 1426
S.B. 1415
S.B. 935
H.B. 409
S.B. 716
H.B. 202 (Amended)
C.S.S.B. 747
C.S.S.B. 763

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 70, To Committee on State Affairs.
H.B. 277, To Committee on Education.
H.B. 817, To Committee on Health and Human Services.
H.B. 922, To Committee on Economic Development.
H.B. 1023, To Committee on Natural Resources.
H.B. 1185, To Committee on Criminal Justice.
H.B. 1207, To Committee on Natural Resources.
H.B. 1431, To Committee on Jurisprudence.
H.B. 1741, To Committee on Natural Resources.
H.B. 1773, To Committee on Natural Resources.
H.B. 1882, To Committee on Intergovernmental Relations.
H.B. 2503, To Committee on Natural Resources.

SENATE BILLS ON FIRST READING

Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) having been suspended, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1530 by Brooks, Moncrief, Health and Human Services
Zaffirini
Relating to minimum standards promulgated by the Department of Human Services for child-placing agencies and to records pertaining to children placed for adoption.

S.B. 1531 by Brooks Health and Human Services
 Relating to the transfer of funds by certain state teaching hospitals and hospital districts and the use of those funds for the Medicaid disproportionate share program; making an appropriation.

S.B. 1532 by Barrientos Economic Development
 Subcommittee on Insurance
 Relating to the fire department emergency program and the establishment of the Fire Department Emergency Board as a state agency.

S.B. 1533 by Harris of Tarrant Education
 Authorizing the Board of Regents of The University of Texas System to acquire by purchase, exchange, gift, or otherwise, certain properties to be used for campus expansion and university purposes in The University of Texas System; vesting title in The University of Texas System; providing that this act shall be cumulative; providing for severability, repealing all laws in conflict; and declaring an emergency.

S.B. 1534 by Bivins Finance
 Relating to the granting of authority to certain industrial development corporations to purchase certain securities of a private corporation.

S.B. 1535 by Dickson, Sims Economic Development
 Relating to the use of natural gas to generate electricity.

S.B. 1536 by Carriker Criminal Justice
 Relating to the disposition of cash bonds in criminal cases.

S.B. 1537 by Parker Economic Development
 Relating to the net asset requirements of licensees under the Texas Pawnshop Act.

S.B. 1538 by Harris of Dallas Economic Development
 Relating to the regulation of certain business relations.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.B. 1062
H.B. 175
H.B. 596
H.B. 717
H.B. 722
H.B. 750
H.B. 828
H.C.R. 83
H.C.R. 90
H.C.R. 173
H.C.R. 187
H.C.R. 195

(Senator Parker in Chair)

CAPITOL PHYSICIAN

Senator Green was recognized and presented Dr. J. C. Gold and his wife, Joyce, of Houston.

The Senate welcomed Dr. and Mrs. Gold. Dr. Gold is a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

(President in Chair)

SENATE RESOLUTION 578

Senator Turner offered the following resolution:

WHEREAS, The Texas A&M University College of Veterinary Medicine is celebrating the 75th anniversary of its founding, having been established by the Board of Directors of the Agricultural and Mechanical College of Texas as the School of Veterinary Medicine in 1916 and the College of Veterinary Medicine in 1963; and

WHEREAS, The College of Veterinary Medicine is the only college of veterinary medicine in Texas; and

WHEREAS, Veterinary medicine is a unique and important health profession which contributes to the welfare, well-being, and quality of human life through the enhancement of health, utility, and productivity of all kinds of animals; and

WHEREAS, The first Dean was Dr. Mark Francis, the pioneer investigator of Texas Fever and the "Father of Veterinary Medicine in Texas," and the first graduating class consisted of four graduates in 1920; and

WHEREAS, The College of Veterinary Medicine is the largest medical program in the nation, having awarded 4,807 Doctor of Veterinary Medicine degrees as of May, 1990, which represents approximately 10 percent of the nation's veterinary graduates; and

WHEREAS, Approximately 3,200 of these veterinarians are in active practice in Texas, and 60 percent are in mixed or large animal practice; and

WHEREAS, The Texas Higher Education Coordinating Board authorized the offering of the nation's first bachelor of science degree in Biomedical Science by the Texas A&M University College of Veterinary Medicine, the curriculum of which now embraces two curricular options: the "Applied Science Option" and the "Veterinary Medical Biotechnology"; and

WHEREAS, The College of Veterinary Medicine is dedicated to providing veterinary patient care of the highest quality to the citizens of the State of Texas, the teaching and research programs of the Texas Veterinary Medical Center, and the veterinary profession; and

WHEREAS, The College of Veterinary Medicine cares for more than 40,000 animal patients per year in its hospital and field service programs; and

WHEREAS, The Institute of Comparative Medicine has provided a vehicle for the study of spontaneously occurring models of human diseases which have proven to be vital in research on diseases in people; and

WHEREAS, Veterinary medicine protects people from risks associated with animals and animal products, contributes to the generation of new biological and medical knowledge, protects the quality of the environment, and assists in the preservation of genetic resources, thereby serving the needs of both animals and people as the most diverse and widely encompassing of all the health professions; and

WHEREAS, The College of Veterinary Medicine is aware of growing concern among the informed public about the safety of drugs and products for human use, especially those attributable to drugs and human food additives, and has taken a leadership role in the nation's drug and product safety program through the establishment of the Food Safety and Inspection Service Training Program at Texas A&M University; and

WHEREAS, An overall goal of the College of Veterinary Medicine is the creation of a scholarly environment in which the development of new knowledge through research is an essential part of the educational program; and

WHEREAS, Research in the College of Veterinary Medicine is in the diagnosis, prevention, and control of food animal diseases, comparative medicine, and the diagnosis, control, and prevention of diseases of companion animals, exotic animals, and wildlife and aquatic animals; and

WHEREAS, The College of Veterinary Medicine continues to be a critically important education, research, and service agency of the State of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby express gratitude and appreciation to the faculty, students, and staff of the Texas A&M University College of Veterinary Medicine and to its many outstanding graduates for exemplary service to the well-being of the animal populations and to the citizens of the State of Texas for the past 75 years; and, be it further

RESOLVED, That the Texas Senate congratulate the College of Veterinary Medicine and Texas A&M University on this landmark anniversary; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for the College of Veterinary Medicine as an expression of high regard from the Texas Senate.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Turner, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Upon recognition, Senator Turner introduced William Mobley, President of Texas A&M University; Dr. Dean Gage, Provost and Vice President of Academic Affairs; Dr. Lloyd Fielder, President, Texas Veterinary Medical Association; Don Ward, Executive Director, Texas Veterinary Medical Association; Dr. John A. Shaddock, Dean, College of Veterinary Medicine; and Dr. "J. D." McCrady, Professor, who has coordinated the 75th anniversary celebration across Texas.

The Senate welcomed these guests.

(Senator Parker in Chair)

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced a group of eighth graders from Kitty Hawk Junior High School.

The Senate welcomed these guests.

(President in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 1195 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1195, Relating to the creation and administration of a loan program to assist residential plumbing improvements in certain economically distressed areas.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1195 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1195 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE CONCURRENT RESOLUTION 46
ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 46, Creating a Red River Boundary Commission.

The resolution was read second time and was adopted by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 110 ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 110, Relating to complaints about and disciplinary measures taken against certain peace officers or fire fighters.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Sibley, Bivins, Johnson, Leedom, Turner, Montford and Harris of Dallas asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 110 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 110 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Lucio, Lyon, Moncrief, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Johnson, Leedom, Montford, Sibley.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Sibley, Bivins, Johnson, Leedom, Turner, Montford and Harris of Dallas asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 293 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 293, Relating to the date on which a county taxing unit is required to adopt a tax rate for the current year.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 293 ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 293** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE JOINT RESOLUTION 35 ON SECOND READING

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 35, Proposing a constitutional amendment repealing the constitutional provision limiting the consideration for which stock and bonds of a corporation may be issued.

The resolution was read second time and was passed to engrossment by a viva voce vote.

SENATE JOINT RESOLUTION 35 ON THIRD READING

Senator Harris of Dallas moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.J.R. 35** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 787 ON SECOND READING

Senator Sims asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 787, Relating to the amount of the sales and use tax municipalities may levy for the benefit of certain industrial development corporations.

There was objection.

Senator Sims then moved to suspend the regular order of business and take up **S.B. 787** for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Truan.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend S.B. 787 as follows:

(1) On page 1, strike line 8 and substitute "amending Subsections (c) and (h) and adding Subsection (l) to read".

(2) On page 2, between lines 6 and 7, insert:

(h) The corporation may not undertake a project the primary purpose of which is to provide transportation facilities, except port-related facilities to support waterborne commerce, sewage or solid waste disposal facilities, air or water pollution control facilities, or facilities for furnishing water to the general public. However, the corporation may provide those facilities to benefit property acquired for a project having another primary purpose.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 787 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 787 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

MESSAGE FROM THE HOUSE

House Chamber
April 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 647, Relating to the investment authority of the Veterans' Land Board.

S.C.R. 106, Declaring the week of April 22 through 26, 1991, as "Thank A Parent Week" in recognition of outstanding parents and their vital role in Texas education.

S.B. 559, Relating to membership in, and benefits and administration of, retirement systems for municipal employees in certain cities.

S.B. 862, Relating to exempting certain management services from municipal competitive bidding and competitive sealed proposal requirements.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 544 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 544, Relating to the continuation and operation of the Texas Board of Irrigators; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 544 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 544** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 378 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 378, Relating to the continuation and operation of the Texas Cosmetology Commission; providing penalties.

The bill was read second time.

Senator Carriker offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 378** on page 2, line 57, by striking "September 1, 2003 [1991]." and substituting "December 31 [September 1], 1991. The abolition date prescribed by this subsection does not require the Sunset Advisory Commission to conduct any review or prepare any report other than the review undertaken before the convening of the 72nd Legislature, Regular Session, 1991, or the report submitted to that legislature."

The amendment was read and was adopted by a viva voce vote.

Senator Carriker offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 378** on page 8 as follows:

1. On page 8, line 17, add "and" after ";

2. On page 8, line 20, strike “; and” and substitute “.”.
3. On page 8, strike lines 21 - 23.
4. On page 8, between lines 23 and 24, add a new Subsection (i) to read as follows and reletter the following subsections appropriately: “(i) For students withdrawing or terminating after 50 percent of the course has been completed, the school must allow that student to reenter at any time during the 48 month period following the date of withdrawal or termination.”

The amendment was read and was adopted by a viva voce vote.

Senator Carriker offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 378 as follows:

1. On page 12, line 14, strike “national” after “written”.
2. On page 12, line 16, insert the following language after “licenses.” to read as follows: “The written examination must be validated by independent testing professionals or be purchased from a national testing service.”
3. On page 12, line 20, strike “national” after “written”.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Carriker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 378 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 378 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 663 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 663, Relating to the authority of a political subdivision to acquire and convey land for the development of low-income or moderate-income housing.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

Amend SECTION 1 of C.S.S.B. 663 by amending Section 272.001 (g) (page 1, line 50) by striking the phrase “the lesser of its fair market value or the city’s investment in the property” and inserting the following after “for”:

less than its fair market value.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Johnson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 663 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 663 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 679 ON SECOND READING**

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 679, Relating to the authorization of investments in certain development corporation securities and development bank securities by certain private and governmental investors and certain public retirement systems.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 679 ON THIRD READING**

Senator Harris of Dallas moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 679 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1131 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1131, Relating to the governing board and powers of certain mass transit authorities.

The bill was read second time.

Senator Tejeda offered the following committee amendment to the bill:

Amend **S.B. 1131**, page 2, line 26 by striking "district" and substituting "authority's".

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Tejeda and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1131 ON THIRD READING

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1131 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1217 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1217, Relating to the control of exotic animals as depredating animals.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1217 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1217 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Brooks.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Brooks asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1220 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1220, Relating to the recovery of oyster shell from and replacement of oyster shell to the coastal waters of the state.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1220 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 1220 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUEST PRESENTED

The President acknowledged the presence of Rick Perry, Commissioner of Agriculture.

The Senate welcomed Commissioner Perry.

**COMMITTEE SUBSTITUTE
SENATE BILL 303 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 303, Relating to the imposition of a determinate sentence for children who have engaged in certain delinquent conduct and to the commitment of those children to the Texas Youth Commission.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 303 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 303** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(Senator Carriker in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 463 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 463, Relating to the screening of employees, volunteers, and inmates in jails and other county correctional facilities for tuberculosis.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Bivins asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 463 ON THIRD READING**

Senator Moncrief moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 463** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Bivins.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Bivins asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 642 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 642, Relating to indexing of birth and death records maintained by the Texas Department of Health and to the provision of death information to county clerks and the Texas Veterans Commission.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 642 ON THIRD READING

Senator Moncrief moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 642** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1173 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1173, Relating to the right of certain municipal and county employees to purchase a continuation of health benefits coverage at retirement.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **C.S.S.B. 1173** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Subtitle C, Title 5, Local Government Code, is amended by adding Chapter 173 to read as follows:

**CHAPTER 173. RIGHT OF CERTAIN MUNICIPAL AND COUNTY
EMPLOYEES
TO PURCHASE CONTINUED HEALTH COVERAGE
AT RETIREMENT**

Sec. 173.001. APPLICABILITY. This chapter applies to a person who is retiring from county or municipal employment.

Sec. 173.002. RIGHT TO PURCHASE CONTINUED COVERAGE. (a) A person to whom this chapter applies who retires or has enough credit in the governmental retirement plan that covers the person to be able to retire with full benefits at an attained age is entitled to purchase continued health benefits coverage for the person and the person's dependents as provided by this chapter. The coverage shall be provided under the group health insurance plan or group health coverage plan provided by or through the employing county or municipality to its

employees. If the plan that provided coverage while the person was employed by the county or municipality is terminated, the coverage shall be provided under the successor to that plan.

(b) To receive continued coverage under this chapter, the person must inform the employing county or municipality, not later than the 90th day after the date that the person leaves employment with the county or municipality, that the person elects to continue coverage.

(c) A county or municipality may substitute Medicare supplement health benefits coverage as the coverage provided for a person or dependent who is covered under this chapter after the date that the person or dependent becomes eligible for federal Medicare benefits.

Sec. 173.003. LEVEL OF COVERAGE. (a) The person may elect to continue coverage at the same level of benefits that is available to current employees of the county or municipality, or if the group health coverage plan of the county or municipality provides for a lower level of benefits, the person may elect to continue coverage at a reduced level of benefits. The person may elect to cover the same persons who were covered under the plan through the person at the time the person left county or municipal employment, or the person may elect to discontinue coverage for one or more persons.

(b) A person eligible for coverage under this chapter is only eligible to receive the same level of benefits provided in the health plan available to current employees or its successor in function.

Sec. 173.004. PAYMENT FOR COVERAGE. A person who is entitled to continued coverage under this chapter is entitled to:

(1) make payments for the coverage at the same time and to the same entity that payments for coverage are made by current employees of the county or municipality; and

(2) purchase the coverage at the group rate for that coverage that exists at the time of payment.

Sec. 173.005. DUTY TO INFORM RETIREE OF RIGHTS. A county or municipality shall provide written notice to a person to whom this chapter may apply of the person's rights under this chapter not later than the date on which the person leaves employment with the county or municipality.

Sec. 173.006. CERTAIN MATTERS NOT AFFECTED. This chapter does not:

(1) prohibit a county or municipality from uniformly changing the group health insurance plan or group health coverage plan provided for its employees and retirees;

(2) affect the definition of a dependent or the eligibility requirements for a dependent under a plan, except as provided by Section 173.002(c);

(3) prohibit a county or municipality from agreeing with a person to deduct the cost of coverage provided under this chapter from a pension check;

(4) prohibit a county or municipality from increasing the cost of group health coverage to its employees and to persons covered under this chapter to reflect the increased cost, if any, attributable to compliance with this chapter; or

(5) affect the right of a county or municipality to provide coverage under Chapter 172.

Sec. 173.007. EXCEPTIONS. (a) A county or municipality that does not provide health coverage under a self-insured plan or under a plan authorized by Chapter 172 may be exempted from providing coverage under this chapter if:

(1) the county or municipality makes a good faith effort to purchase insurance coverage required by this chapter from an insurance company authorized to do business in this state and is unable to find a provider for the coverage; or

(2) the majority of the employees of a county or municipality vote by secret ballot to be exempted from this chapter.

(b) If the majority of the employees of a county or municipality vote to be exempted from this chapter as provided by Subsection (a), 20 percent of the employees may petition for a new election after one year from the date the employees voted to be exempted.

SECTION 2. (a) Chapter 173, Local Government Code, as added by this Act, applies according to its terms to all eligible persons who left county or municipal employment before the effective date of this Act and who are purchasing health coverage from a county or municipality on the effective date of this Act and to all eligible persons who leave county or municipal employment on or after the effective date of this Act.

(b) A county or municipality that is required by Chapter 173, Local Government Code, as added by this Act, to provide continued health benefits coverage, but is not allowed to provide the coverage under the terms of the county's or municipality's existing group health plan, shall ensure that the required continued health benefits coverage is provided for in any plan that is adopted, amended, or renewed by the county or municipality on or after the effective date of this Act unless exempted under Section 173.007, Local Government Code, as added by this Act. The period during which a person must inform a county or municipality that the person elects to continue health benefits coverage under Chapter 173, Local Government Code, as added by this Act, is extended by the amount of time that occurs after the date that the person leaves county or municipal employment and before the date that the person receives written notice from the county or municipality that the person is presently able to purchase the continued health benefits coverage required to be provided under this Act.

SECTION 3. This Act takes effect September 1, 1991.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1173 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1173 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Leedom.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Leedom asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 951 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 951, Relating to promotional appointments made to fill vacancies in certain fire departments.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 951 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 951** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Sibley.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Sibley asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 553 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 553, Relating to the authorization of a low-level radioactive waste compact between Texas and other states.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Zaffirini asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 553 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 553** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1369 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1369, Relating to changes to the State Cooperation in Local Purchasing Programs.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend **C.S.S.B. 1369** by adding a new SECTION 2 to read as follows:

“SECTION 2. The Commission shall charge reasonable fees to subscribers to cover any costs associated with this Act.”

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1369 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1369** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 936 ON SECOND READING

On motion of Senator Dickson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 936, Relating to the regulation of credit unions.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 936 ON THIRD READING

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 936** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 793 ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 793, Relating to the administration of and benefits payable by certain retirement systems for fire fighters and police officers.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 793 ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 793 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 842 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 842, Relating to academic programs for training persons in the fitting and dispensing of hearing aids at institutions of higher education.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 842 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 842 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

(Senator Glasgow in Chair)

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 554 ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 554, Relating to the placement of the thumbprint and photograph of certain juveniles on an adjudication order.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 554 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 554 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1269 ON SECOND READING**

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1269, Relating to the requirements for a dental hygienist license.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1269 ON THIRD READING**

Senator Rosson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1269** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1108 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1108, Relating to the authority of the comptroller to contract for information about property that may be recoverable by the state; making an appropriation.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Parker asked to be recorded as voting "Present-not voting" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1108 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1108** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Parker.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Parker asked to be recorded as voting "Present-not voting" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
April 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 89, Relating to the expunction of arrest records of certain persons acquitted of criminal offenses or granted deferred adjudication.

H.B. 268, Relating to the manufacture, delivery, possession, or use of a substance or device designed to falsify drug test results; providing criminal penalties.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

MEMORIAL RESOLUTIONS

S.R. 584 - By Lucio: In memory of the Honorable Eduardo "Eddy" Cantu of Los Fresnos.

S.R. 588 - By Parker: In memory of civil rights leader Elmo Willard III of Beaumont.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 109 - By Brooks: Commemorating the month of May, 1991, as Older American's Month and welcoming participants to the Gala Grand Opening of "New Expressions: A Celebration of Older Texans' Creativity."

S.C.R. 110 - By Brooks: Commending Mr. Robert Lee Baker for his loyal service to the youth of Texas.

S.R. 579 - By Glasgow: Welcoming students from the seventh and eighth grade classes of Granbury Middle School and their teachers and sponsors, Bobby and Brenda Mayberry, Debbie Richey, and Scott Fain, as well as their principal, Marsha Grissom, and commending the students on their willingness to learn more about representative government.

S.R. 580 - By Glasgow: Joining with the citizens of Cleburne in commemorating April 26, 1991, as David McWilliams Day in Cleburne.

S.R. 582 - By Ellis: Extending congratulations to Yava Scott on her recent appointment to the Board of Human Services.

S.R. 583 - By Green: Extending congratulations to Houston Baptist University for providing 30 years of excellent education to students throughout the state and nation.

S.R. 585 - By Lucio: Extending congratulations to Tomas and Guadalupe Rodriguez on the occasion of their 50th wedding anniversary.

S.R. 587 - By Brooks: Joining with the citizens of Galveston County as they pay tribute to the Gulf Coast Big Brothers-Big Sisters, Incorporated, and their

volunteers in celebration of Big Brothers-Big Sisters National Volunteer Appreciation Week to be held April 22-28, 1991.

ADJOURNMENT

On motion of Senator Truan, the Senate at 1:00 p.m. adjourned, in memory of Brooks County Commissioner J. M. "Chema" Alaniz and McMullen County Judge Claude Franklin, Jr., until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(April 23, 1991)

S.B. 1062

**In Memory
of
Judge Claude Franklin, Jr.**

Senator Zaffirini offered the following resolution:

Senate Concurrent Resolution 5

WHEREAS, The State of Texas lost one of its most respected and well-loved citizens with the death of McMullen County Judge Claude Franklin, Jr., on November 9, 1990; and

WHEREAS, Born in Cotulla, Texas, on January 31, 1927, he was the son of Claude and Ida May Morgan Franklin; and

WHEREAS, After graduating from Cotulla High School in 1944, this esteemed gentleman enlisted in the United States Coast Guard and served in the Atlantic and Pacific theaters of war; and

WHEREAS, Highly talented and versatile, Judge Franklin became a successful rancher and a politician; he managed the family ranch on San Miguel Creek and, for many years, served as a member of the Cotulla City Council before his election as a county judge in 1974; and

WHEREAS, A McMullen County Judge for 16 years, he was well known for his high moral standards and dedication and was honored as the Outstanding Elected County Official in Texas for 1987; and

WHEREAS, A fervent conservationist and traditionalist, Judge Franklin had a great love for the Texas land and lived at the McMullen ranch that had belonged to his family for more than 100 years; and

WHEREAS, Judge Franklin actively worked for the preservation of his heritage, and he and his family became a part of the Texas Family Land Heritage Program; and

WHEREAS, Concerned for his fellowman and a devout Christian, he was a member of the Lions Club and the American Legion-Ruben Wilson Post, served on the board of the United Methodist Church, and participated in founding the Southwest Methodist Medical Center in San Antonio; and

WHEREAS, An outstanding and enthusiastic community leader, Judge Franklin served as a director of the Texas Association of Counties and a life director of the San Antonio Livestock Exposition and Rodeo and was a charter director of the County Judges and Commissioners Continuing Education Committee; and

WHEREAS, Judge Franklin was an exemplary gentleman who will long be remembered and beloved for his superior courage, understanding, and sense of humor; and

WHEREAS, Distinguished, accomplished, and a devoted husband, father, and grandfather, he lived his life to the fullest and his death is greatly mourned by his family and many friends; now, therefore, be it

RESOLVED, That the 72nd Legislature of the State of Texas hereby pay tribute to the life of Judge Claude Franklin, Jr., and extend sincere condolences to his family: his wife, Elaine Elizabeth Franklin; his children, Craig Franklin, Walt Franklin, Kathy Smith, and Peggy Steidle; his mother, Ida May Franklin; his sister, Lottie Lively; and his six grandchildren; and, be it further

RESOLVED, That a copy of this resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Legislature,

and that when the legislature adjourns this day, it do so in memory of Judge Claude Franklin, Jr.

The resolution was read.

On motion of Senator Parker and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

Upon recognition, Senator Zaffirini introduced Mrs. Elaine Franklin accompanied by Ida May Franklin, mother of the late judge; Judge Franklin's daughter, Kathy, her husband, Rick Smith, and their children, Christine and Weston; his son, Walt, his wife, Mary, and their children, Matt and Stephen; and his daughter, Peggy, and her children, Gretchen and Sara.

The Senate welcomed these guests.

An enrolled copy of the resolution, previously adopted by the Senate on Thursday, January 17, 1991, was presented to the family by the President.